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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,698	08/25/2006	Darren Kidney	P30345	4508
7055 7590 10/01/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER BELLINGER, JASON R				
ART UNIT		PAPER NUMBER		
3617				
NOTIFICATION DATE		DELIVERY MODE		
10/01/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/590,698

Applicant(s)

KIDNEY, DARREN

Examiner

Jason R. Bellinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Information Disclosure Statement

1. The information disclosure statement (IDS) has been considered by the examiner. However, it should be noted that the lined through reference was a duplicate, and had an incorrect date.

Specification

2. The disclosure is objected to because of the following informalities: Reference to the claims should not be made in the specification. Furthermore, the claims should not be relied upon in the disclosure to describe the invention.

Appropriate correction is required.

Claim Objections

3. Claims 14, 22, and 24-25 are objected to because of the following informalities: Line 2 of claim 14 is redundant and therefore should be removed. The limitations therein have been previously cited in claim 13, from which claim 14 depends. Furthermore, the last 3 lines of claim 14, beginning with the phrase "the radially inwardly" has been previously set forth in claim 13, and is thus redundant, and should be removed.

Claim 22 contains reference characters not in parentheses (see section 4 below).

The phrase "on the in the" in line 3 of claim 24 should be corrected for grammatical clarity.

Claim 25 is redundant and should be cancelled, given the fact that the limitations therein have been previously set forth in claim 15.

Appropriate correction is required.

4. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is indefinite due to the fact that it is unclear what element of the invention is being referred to by the term "its". Furthermore, the phrase "a sealing ring" in line 4 is a double recitation. This limitation has been previously set forth in line 1 of claim 13. Therefore, it is unclear whether the sealing ring set forth in line 4 is the same as that set forth in line 1, or is an additional element of the invention. Furthermore, the phrase "a central annular body" in line 9 is a double recitation. This limitation has been

previously set forth in line 7 of claim 13. Therefore, it is unclear whether the sealing ring set forth in line 9 is the same as that set forth in line 7, or is an additional element of the invention. Claim 13 is further indefinite due to the fact that it is unclear what is being claimed by the phrase "to an outside" in line 10. Claim 13 is indefinite due to the fact that it is unclear how the annular limb "points away" from the central annular body. No directional indicators (i.e. axially, radially, etc.) have been provided to clearly define this limitation.

Claim 24 is indefinite due to the fact that it is unclear what is actually being claimed therein.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 13-17 and 25-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB 787,784. This reference shows a sealing ring for a wheel having all of the structure as set forth in the above claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 787,784. The reference does not specify the dimensions of the sealing ring 5 with respect to the tire beads 3. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the sealing ring of the reference with dimensions suitable to properly function when inserted into a wheel assembly, i.e. sealing the tire against the rim.

11. Claims 18-19, 21, 24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 787,784 as applied to claims 13-17, 22-23, and 25-26 above, and further in view of Veux et al. The reference does not show the sealing ring 5 including a reinforcing member formed on the central annular body. In Figure 7, Veux et al teaches the use of a sealing ring having a reinforcing member 70 formed on a central body portion. This reinforcing member 70 is a radial elevation or rib on the radially outer side of the body. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the sealing ring 5 of the GB 787,784 reference with a rib, for the purpose of providing reinforcement to the sealing ring.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 787,784 in view of Veux et al as applied to claims 18-19, 21, 24, and 27-28 above, and further in view of Medynski. The GB 787,784 reference as modified by Veux et al does

not show a hollow space provided in the reinforcing member. Medynski teaches the use of a sealing ring 10 having a reinforcing member 15-16 with a hollow space therein. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rib of the sealing ring of the GB 787,784 reference as modified by Veux et al with a hollow space, for the purpose of reducing the weight of the ring without sacrificing strength or resiliency.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show sealing rings for wheels.

The Applicant is notified that any further amendments to the claims require a complete listing of the claims. Therefore, claims 1-12 should be included in any subsequent claim listing, with the status identifier of "cancelled" in order to comply with Rule 37 CFR 1.121.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Bellinger/
Primary Examiner
Art Unit 3617